

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

JACQUELINE HUMPHREY,

Plaintiff,

v.

AUGUSTA, GEORGIA,

Defendant.

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CV 119-084

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O R D E R

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Before the Court are Defendant's motion to dismiss (Doc. 7) and Plaintiff's motion to amend her complaint and for an additional opportunity to respond to Defendant's motion to dismiss (Doc. 11).

Beginning with Defendant's motion to dismiss, Defendant filed the motion, on August 5, 2019, as to Plaintiff's original complaint (Doc. 1). On August 13, 2019, Plaintiff filed an amended complaint (Doc. 12), discussed below. Defendant subsequently answered the amended complaint (Doc. 13) and withdrew its motion to dismiss (Doc. 18). Accordingly, Defendant's motion to dismiss (Doc. 7) is **WITHDRAWN**.

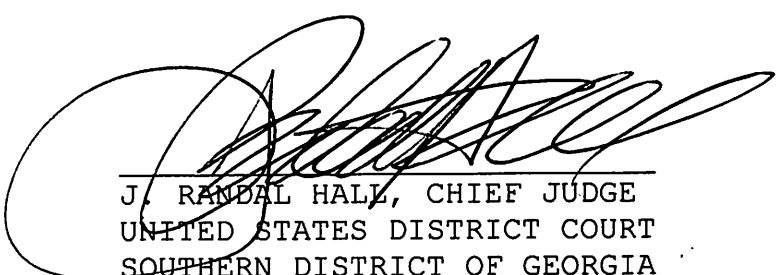
Plaintiff amended her complaint as a matter of course pursuant to Federal Rule of Civil Procedure 15(a)(1)(B) within twenty-one days after service of Defendant's motion to dismiss. Because Plaintiff amended her complaint as a matter of course and filed the amended complaint (Doc. 12), Plaintiff's request to amend her

complaint (Doc. 11) is **MOOT**. Plaintiff's amended complaint (Doc. 12) is the operative complaint.

Furthermore, Plaintiff requested an additional opportunity to respond to Defendant's motion to dismiss if the Court applied the motion to dismiss to the amended complaint. (Mot. to Amend, Doc. 11.) As set forth above, Defendant withdrew its motion to dismiss. Therefore, Plaintiff's request for an additional opportunity to respond to the motion to dismiss (Doc. 11) is also **MOOT**.

For the foregoing reasons, the Clerk is **DIRECTED** to **TERMINATE** Defendant's motion to dismiss (Doc. 7) and Plaintiff's motion to amend her complaint and for an additional opportunity to respond to Defendant's motion to dismiss (Doc. 11).

**ORDER ENTERED** at Augusta, Georgia, this 16<sup>th</sup> day of March, 2020.



J. RANDAL HALL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA